



CITY COUNCIL

Public Safety Committee

**Monday, April 16, 2007
Meeting Report**

Committee Members in Attendance: D. Sterner, Chair, S. Fuhs, S. Marmarou

Others Attending: L. Churchill, W. Heim, B. Reinhart, M. Zuber, C. Younger, L. Kelleher

Public Safety Committee Chair, Dennis Sterner, called the meeting order at 5:05 pm.

BOTTLE CLUB

Chief of Police Bill Heim stated that with this amendment, the ordinance currently on the books will be improved by expanding enforceability, adding a registration fee, and adding specifics that will differentiate reputable clubs from others. He added that the amended ordinance will also limit the hours of operation and rental of bottle clubs.

Ms. Kelleher stated that the ordinance was drafted using a model from Bethlehem. She reminded the Committee that they last reviewed this ordinance at their February meeting after which it was referred to the Legislative Aide Committee who worked with Captain Shafer to further refine it.

Mr. Marmarou moved, seconded by Mr. Fuhs, to introduce the Bottle Club Ordinance at the April 23, 2007 regular meeting of Council and to recommend its enactment to the body of Council.

SIDEWALK CAFÉ ORDINANCE

Ms. Kelleher stated that the research and drafting of the ordinance began through the request of the Codes Administrator. She stated that after looking at a wealth of examples from Connecticut, New York, Pennsylvania, North Carolina, South Carolina, Florida, and Texas, this draft was completed.

Mr. Churchill stated that the ordinance is in good form and thanked Ms. Kelleher for the work and research that went into the completed draft. He stated that in the future complementary language should be placed in the Zoning Ordinance.

Mr. Reinhart and Mr. Churchill walked Council through the ordinance. Ms. Kelleher stated that the Sidewalk Café Ordinance applies specifically to the Commercial Core Zoning District which runs from 2nd to 7th Street, Franklin to Washington. She stated that restaurants lying outside the Commercial Core Zoning District must obtain approval from City Council.

There was discussion on the closing time for the sidewalk cafes. Mr. Fuhs noted the need for flexibility that would allow downtown restaurants to remain open later when events occur at the City's downtown entertainment venues.

Mr. Churchill placed a call to Mike Leiffer, owner operator of the Peanut Bar, to seek his advice on the open hours for the sidewalk cafes. Mr. Churchill and Mr. Leiffer recommend that the sidewalk cafes operate during the hours a restaurant's kitchen is open for service but not later than 11:00 pm.

Mr. Fuhs inquired about the curb restrictions in Section 10-1506. After discussion, Ms. Kelleher was asked to remove this section.

Mr. Rinehart stated that originally the permit fee was \$1,000; however, after discussions with Mr. Leiffer of the Peanut Bar and a review of the fees of other cities, the permit fee was reduced to \$500 a year. The cafés are permitted to be in operation between April 15 and October 15.

Mr. Fuhs moved, seconded by Mr. Marmarou, to introduce the Ordinance at the April 23, 2007 regular meeting of Council and to recommend its enactment to the body of Council.

Mr. Marmarou noted the need to inform downtown restaurants about the Sidewalk Café Ordinance. After discussion it was decided to enlist the Downtown Improvement District's assistance in distributing a summary sheet to downtown restaurants.

SIDEWALK SALE ORDINANCE

Mr. Kelleher stated that research and drafting of this ordinance began at the request of the Code Administrator. Mr. Rinehart walked Council through the ordinance. He stated that currently the Property Maintenance Code prohibits any type of sidewalk activity (sales and sidewalk cafes). He stated that after much review and discussion it was decided to recommend that sidewalk sales can occur 52 times in a calendar year with a permit fee of \$1,000. He stated that under the ordinance, the sale of indoor furniture, appliances, mattresses, etc. are prohibited. He noted the need for retailers wishing to undertake sidewalk sales in addition to obtaining a permit, receive permission from abutting neighbors.

Ms. Kelleher stated that again this ordinance applies to retailers in the Commercial Core Zoning District running from 2nd to 7th Street and Franklin to Washington Street.

Mr. Fuhs moved, seconded by Mr. Marmarou, to introduce the Sidewalk Sale Ordinance at the April 23, 2007 regular meeting of Council and recommend its enactment to the body of Council.

Ms. Kelleher was asked to prepare a summary paper for both ordinances.

PARK SAFETY PROGRAM

Recreation Superintendent Mike Zuber described the old program that included the use of uniformed park rangers who patrolled the parks and playgrounds citywide. He stated that this program was grieved by the FOP as they believed the park rangers appearance was meant to resemble that of a police officer.

The need to re-establish this program in a way that can be accepted by the FOP was urged.

Mr. Zuber suggested running the program from mid June through mid September from 3 pm – 7 pm Monday through Friday. He stated that a four man program at \$12 per hour would cost approximately \$46,000. A six man program at \$12 per hour would cost approximately \$69,000. With equipment the six man program should cost approximately \$75,000 per year.

There was a discussion on potential issues with the FOP.

Mr. Churchill stated that the Recreation Division recommends this program each year. He noted that this program will only equal the cost of one police officer. He stated that Council could consider this for the 2008 budget or the season.

The Public Safety Committee encouraged the Administration to explore this program further and come back with a recommendation at the May meeting.

The Public Safety Committee adjourned.